

REMARKS

Claims 1-24 are pending in the application. While no claims have been amended hereby, a listing of the claims has been provided for the convenience of the Examiner. Claims 6-7, 14-15, and 22-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 1, 9, and 17 are rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,434,852 to La Porta et al. ("La Porta"). Claims 2-5, 8, 10-13, 16, 18-21, and 24 are rejected under 35 U.S.C. § 103(a) over La Porta in view of U.S. Patent No. 6,909,690¹ to Xu et al. ("Xu").

First, Applicants thank the Examiner for indicating the allowability of claims 6-7, 14-15, and 22-23.

Claims 1, 9, and 17 are rejected under § 102 over La Porta. Claims 1, 9, and 17 are independent. Independent claims 1 and 9 recite: "resource management means for managing resources of the user data processor means, the resource management means being provided in the user data processing means." Independent claim 17 recites: "the user data processing means executes a step of managing resources of the user-data processing means." La Porta does not teach the above-recited limitations.

At page 2, the Office Action identifies, "Figure 5 connection and channel control; element 505 and 512" as a resource management means for managing resources of the user data processing means. Then the Office Action inconsistently identifies that Fig. 5, elements 503 (call control) and 513 (CPE) of La Porta show "where the resource management means being provided in the user data processing means." Because LaPorta's system appears to describe a different architecture than the claimed invention, the Office Action inconsistently identifies different parts of LaPorta's system as reading on the same claimed elements. As best Applicants can determine, the Office Action alleges that La Porta's connection servers and channel servers disclose the claimed

¹ The Office Action cites to U.S. Patent No. 6,909,609 to Chen. Applicant understands that the Office Action meant U.S. Patent No. 6,909,690, and proceeds on this assumption.

“user data processing means,” and the “resource management means” are in the call servers and the CPE.

First, Figure 5 of La Porta, with its apparently different architecture than the presently claimed invention, is silent on “resource management” of any resources of the user data processing means.

Moreover, the claims provide that the resource management means is “provided in the user data processing means” (claims 1 and 9) or that “the user data processing means executes a step of managing resources of the user data processing means” (claim 17). That is to say, the independent claims require that the user data processing means includes / performs resource management. As the Applicants understand the Office Action’s rejection, LaPorta’s putative resource management means (element 503 in the call servers and element 513, the CPE) are not in the alleged user data processing means (element 505 in the connection servers and 512 in the channel server).

Accordingly, La Porta does not disclose “resource management means for management resources of the user data processing means, the resource management means being provided in the user data processing means” (claims 1 and 9) or “the user data processor means executes a step of managing resources of the user data processing means” (claim 17). Applicants thereby respectfully submit that independent claims 1, 9 and 17 are allowable over LaPorta and urge reconsideration and withdrawal of the rejections thereto.

Claims 2-5, 8, 10-13, 16, 18-21, and 24 are rejected under§ 103(a) over La Porta in view Xu. Each of these claims ultimately depend from independent claims 1, 9, and 17. As nothing in Xu cures the deficiency of LaPorta as applied to the independent claims, Applicants urge claims 2-5, 8, 10-13, 16, 18-21, and 24 are in condition for allowance and further urge reconsideration and withdrawal of the rejections thereto.

In view of the above remarks, Applicants believe the pending application is in condition for allowance.

No fee is believed to be due for this Amendment. Should any fees be required, please charge such fees to Deposit Account No. 50-2215.

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Respectfully submitted,

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